



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: September 3, 2014
Applicant: T-Mobile West Corporation, Sunbow Plaza
Case No.: PCC-14-026
Address: 601 East Palomar Street (APN 641-122-18-00)
Project Planner: Richard Zumwalt, AICP

Notice is hereby given that on September 3, 2014 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-14-026, filed by T-Mobile West Corporation ("Applicant"). The Applicant requests a CUP to renew an existing approved wireless telecommunications facility consisting of six (6) antennas and equipment enclosures mounted on the roof of an existing commercial building ("Project"). The Project is located at the Sunbow Plaza Shopping Center at 601 East Palomar Street ("Project Site"), and is owned by Levon Investments, LLC ("Property Owner"). The Project Site is zoned Planned Community/Village Center (VC) by the Sunbow II SPA Plan and is designated Commercial Retail (CR) by the General Plan. The Project is more specifically described as follows:

The existing wireless telecommunications facility includes six 56-inch high by 12-inch wide antennas and six 7-feet high by 19 foot long by 4 foot wide equipment enclosures. The wireless facility is designed as a stealth facility where the existing antennas are mounted within the west, north and east façades of the building, and the equipment enclosures are mounted on the roof behind a parapet wall, and thus the facility is completely screened from public view.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The project qualifies for a Class 1 exemption because there are no proposed changes to the existing facility. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030.A and 19.89 of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The proposed use will improve wireless communication as a public convenience by providing essential communication and improved, uninterrupted service to the surrounding

area of its location. It will not interfere with any existing activities or conveniences of the public, and will contribute to the general well-being of the community by ensuring uninterrupted wireless service for the nearby communities.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The use will provide a choice in wireless communication reliability in the user's coverage area. In the event of an emergency or natural disaster, the use will be able to continue to function, which can help to enhance the general health, safety, and welfare of the citizens of Chula Vista. The facility will be monitored by alarms and maintained monthly by the applicant's service technicians, therefore any potential impact to the site or surrounding area will be minimized.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, including the City's Wireless Ordinance, for such use. These include (but are not limited to) design standards such as height, stealth technology and design, and visual integration of antennas. These conditions will be enforced through inspections prior to occupancy of the use and subsequent to operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-14-026.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The integration of wireless facilities with existing uses helps to achieve General Plan Objective, Public Facilities and Services Element (PFS) 24.2, of reviewing new telecommunications facilities and request siting and design techniques that maximize benefits and minimize community impacts.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-026, as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Project Site shall be developed and maintained in accordance with the approved PCC-14-026 plans, which include the site plans and elevations dated July 21, 2014, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval:

3. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, City's Wireless Ordinance and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit
4. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
5. The Applicant shall cooperate with telecommunications companies in co-locating additional antennas on subject property provided said co-locators have received a Conditional Use Permit for such use at said site from the City. Applicant shall exercise good faith in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level-or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether

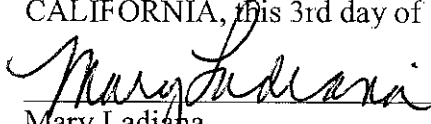
Applicant has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of the Applicant.

6. Within 90 days of cessation of the business operations and use of the antennas, the Applicant shall submit a substitute user to the satisfaction of the Development Services Director and/or remove the Project and all associated equipment from the Project Site. If the facility is removed, then the Applicant shall restore the Project Site to its original condition. Any changes on this Conditional Use Permit shall require a modification to be reviewed by the Zoning Administrator.
7. The Applicant/Representative and Property Owner shall and do hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
8. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
9. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
10. This conditional use permit shall expire on September 3, 2024, ten (10) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.

PCC-14-026

T-Mobile Sunbow Plaza Wireless Facility

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 3rd day of September, 2014.



Mary Ladiha
Zoning Administrator